

*Ser.no. 10/051,049
Amdt dated September 17, 2003
Reply to Office Action dated June 18, 2003*

REMARKS / ARGUMENTS

Claims 1-14 have been cancelled. New claims 15-23 have been added.

Claim 15 has been added, which more clearly defines the enclosure. Claim 15 describes the enclosure to have a cavity defined in a surface, a lid sized to cover the cavity, support means inside the cavity such that the lid is pivoted downwards about terminal portions of the support means when a downward pressure is applied on the opposite edge than that being supported, and a securing means for releasably engaging the lid. Claims 16-23 are dependent claims.

Claims 15-23 are patentably distinct over Kehl (US 4,649,813), in view of Hart (US 277,718) and Dubery et al (US 4,032,037). Kehl discloses a cavity, a lid for covering the cavity, and a pivot means. Hart discloses a unitary lip on the backside of the closure. Dubery et al disclose an enclosure with a magnetic means. The Examiner argues that Dubery et al disclose an enclosure with a magnetic means for securing the lid and it would have been obvious at the time of invention to provide the magnetic means to the enclosure of Kehl-Hart. The applicant respectfully submits added claim 15 states that the securing means releasably engages the lid in a position across said cavity, whereas Dubery et al only disclose a magnetic means for keeping the lid in an open position as taught in col 2, lines 40-45. To return the lid to a closed position, a plunger must be depressed, disengaging the lid from the magnet as described by Dubery et al in col 2, lines 44-65. Dubery et al also explicitly state that the lid "remains closed by gravity" (col 2, line 66). The applicant submits that Dubery et al's disclosure does not make it obvious that a magnet could hold the lid closed instead of open.

The Examiner stated that the combination of Kehl, Hart and Dubery et al discloses a rectangular cavity (Kehl), a raised lip (Kehl modified by Hart), and securing means (Dubery et al.). The applicant submits that none of the prior art cited alone or in combination, teaches a raised lip, around one edge and a portion of adjacent side

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edges of said cavity. Kehl shows a boundary flange 46 having a plurality of ledges 48. Hart shows an inner flange G around an inner surface of a cylindrical body. Neither Kehl nor Hart show a raised lip, which provides more stability and simpler manufacturing methods than a ledge or flange. Kehl, Hart, and Dubery et al do not disclose a lid covering the cavity for releasable attachment to the securing means, for resting on the raised lip, and for pivoting about the terminal edges of the raised lip under downward pressure on a region of the lid opposite that attached to the securing means. The applicant also submits that neither Kehl, Hart, nor Dubery et al disclose a magnet as a securing means attached to the raised lip. The applicant further submits that regardless of structure for a guitar string changing tool case, Kehl, Hart and Dubery et al do not disclose this use. Kehl, Hart and Dubery et al are all used in the waste disposal industry and such an enclosure as described in the application would not be considered obvious or useful in this field.

The applicant further submits that amended claims 15-23 are also patentably distinct over Hart in view of Kehl and Dubery et al. The Examiner states that Hart discloses a cavity and a lid and that Kehl discloses a pivot means and a fulcrum arrangement, and that Dubery et al disclose a securing means. The applicant reiterates the above arguments that Dubery et al does not disclose a means for securing a lid in the closed position.

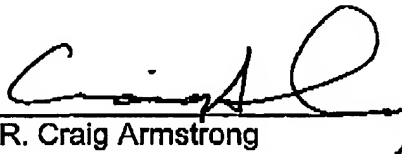
The applicant submits that Hart-Kehl-Dubery does not disclose the invention since Hart, Kehl and Dubery et al do not disclose, either alone or in combination, an enclosure having a rectangular cavity, a raised lip, a securing means attached to and centered on the raised lip, or a lid to cover the cavity for releasable attachment to the securing means, resting on the raised lip, pivotable about the terminal edges of the raised lip under downward pressure on a region of the lid opposite the attached securing means.

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Based on the foregoing, it is submitted that the application is in condition for allowance of claims 15-23, which is respectfully requested.

Respectfully submitted,

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